

REMARKS

Claims 1-17 are pending and stand rejected by the Office Action. Applicant has amended Claim 8. More specifically, Claim 8 has been amended to correct an antecedent basis issue not raised in the Office Action. Thus, Claims 1-17 are still currently pending upon entry of this amendment. Favorable reconsideration is respectfully requested in light of the following Remarks. No new matter has been added.

I. Formal Matters

1. It is respectfully requested that the United States Patent and Trademark Office change the Attorney Docket Number on the cover page of the Office Action to reflect the correct Attorney Docket Number of 65632-0129, not 1858.003.

2. For purposes of clarity in the record, Applicant respectfully points out that page 4, lines 8-10 of the Office Action incorrectly indicates (regarding Independent Claim 16) that McNamara teaches “*Placing a frequency selective filter (i.e. a low pass filter 80 in the line isolation device (LID) 70) in parallel with the local loop generation mechanism (which is the network interface device (NID) 32 as shown in figures 2A and 7 (col. 7, lines 57 – col. 7, line 56).*”

It is respectfully submitted by the Applicant that Claim 16, as originally filed, does not recite a local loop generation mechanism, but rather, a communications path. In view of the rejected communications path recitation of Claim 16 (at page 4, lines 6-7 of the Office Action), Applicant has prepared remarks directed to the recited subject matter of a communications path rather than a local loop generation mechanism.

II. The Claims Define Patentable Subject Matter

1. The Office Action rejects Claims 1-2 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,937,855 to McNab et al. ("McNab"), with Claims 1 and 2 being in independent form. Applicant respectfully traverses the rejection.

Applicant respectfully points out that the device as described in McNab employs central office lines (32, 34), subscriber lines (70, 72), security system lines (75, 77) and current sensing resistors (78, 80) that detect DC loop current to determine whether or not a subscriber is “on hook” or “off hook” [See: col. 5, lines 1-5 and 38-42]. Capacitors (C1, C2) in series with relay contacts (E) [See: col. 5, lines 42-47], which are connected about the security system lines (75, 77) [See: Figure 3], function in bypassing the resistors (78, 80) [See: col. 5, lines 42-44] that are connected to a loop detection circuit (66), programmable input/output circuit (82), and micro-controller (84) [See: Figure 4B]. In response to a control signal from the micro-controller (84), which is initiated by a subscriber manually dialing a predetermined number, the security system lines (75, 77) are inserted in series with the central office lines (32, 34) and subscriber lines (70, 72) **for breaking direct connection** of the central office lines (32, 34) and subscriber lines (70, 72) via a line relay (L) coupled to the microcontroller (84) [See: col. 2, lines 44-48; col. 7, lines 31-62].

Conversely, Independent Claims 1 and 2, as originally filed, recite the placement of a frequency-selective filter **in parallel** with the local loop generation mechanism to provide a bypass path across the local loop generation mechanism. Even further, both Independent Claims 1 and 2 are directed to **uninterrupted communications** between the central office and the customer premises, whereas, McNab only functions by **breaking direct connection** of the central office lines and subscriber lines.

Thus, McNab fails to disclose or suggest the Applicant’s claimed invention because McNab does not recite, suggest, or claim “*placing a frequency-selective filter in parallel with the local loop generation mechanism...for uninterrupted communications between the central office and the customer premises.*” A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. See MPEP §2131. For at least this reason, independent Claims 1 and 2 are allowable over the applied art.

Withdrawal of the rejection is respectfully requested.

2. The Office Action rejects Claims 16 and 17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,974,139 to McNamara et al. ("McNamara"). Applicant respectfully traverses this rejection.

In view of the above-stated remarks in Section I, sub-section 2., Applicant respectfully submits that McNamara does not recite, with respect to Claim 16, *"Placing a frequency selective filter (i.e. a low pass filter 80 in the line isolation device (LID) 70) in parallel with the communications path (i.e. bypass line 75 and interconnect wire 52, col. 7, lines 44-56)."* Applicant also respectfully points out that McNamara does not recite, with respect to Claim 17, *"placing a frequency selective filter (i.e. a low pass filter 80 in the line isolation device (LID) 70) in parallel with the local loop generation mechanism (col. 7, line 57 – col. 7, line 56)."*

As seen in the following explicit recitation from McNamara at col. 5, lines 4-10:

"The LID, in one embodiment, is encased within a sealed enclosure that can be located either internal or external to a network interface device (NID). The LID is added to the customer's telephone network by disconnecting a testing jack within the NID and adding the LID in series between the two connectors forming the testing jack."

Thus, McNamara clearly fails to disclose or suggest the Applicant's claimed invention, as recited in Independent Claims 16 and 17. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. See MPEP §2131. For at least this reason, Independent Claims 16 and 17 are allowable over the applied art. Withdrawal of the rejections is respectfully requested.

3. Claims 3-6 and 11-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McNab in view of McNamara. The rejection is respectfully traversed.

Applicant agrees with the Office Action that McNab does not teach “*the frequency selective filter is adapted to pass at least those frequencies which carry digital information,*” as recited in Claim 3, and “*the frequency selective filter is a high-pass filter,*” as recited in Claim 4 (see Office Action, page 5, lines 16-17). To make up for the admitted deficiency of in McNab, the Office Action indicates that McNamara teaches that line isolation device (LID 70) comprises a high pass filter. Applicant respectfully disagrees.

McNamara explicitly recites “a high pass filter...located at the ADSL server transceiver unit 14...” [See: col. 7, line 67 – col. 8, line 6; col. 9, lines 7-13; col. 10, lines 21-27]. Even if a person having ordinary skill in the art were to combine the subject matter of the teachings disclosed in McNab and McNamara, one would not result in arriving at the Applicant’s claimed invention. Because the combination of McNab and McNamara does not disclose, teach, or suggest the claimed invention, as recited in Independent Claim 2 and associated dependant Claims 3-6 and 11-15, the Office Action **clearly fails** to establish a prima facie case of obviousness (See MPEP §2143).

For at least this reason, dependant Claims 3-6 and 11-15 are allowable over the applied art, taken singularly or in combination. Withdrawal of the rejection is respectfully requested.

4. Claims 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McNab in view of McNamara and in further view of Alpha Communications (Product Specification Sheet, Rev. 1-12/98) (“Alpha Communications”). The rejection is respectfully traversed.

Applicant agrees with the Office Action that neither McNab nor McNamara teaches “*the use of an RJ71C terminal block in the system,*” as recited in Claims 7-10

[See: Office Action at page 7, lines 3-4]. To make up for the admitted deficiency of in McNab and McNamara, the Office Action indicates that Alpha Communications (Product Specification Sheet, Rev. 1-12/98) teaches the use of an RJ71C terminal block in the system.

However, Alpha Communications does not recite any of the deficiencies in McNab and McNamara as applied to Independent Claim 2 recited in Section II, subsection 1. and 2. For at least these reasons, dependant Claims 7-10 are allowable over the applied art, taken singularly or in combination. Withdrawal of the rejection is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

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